



Pipeline and Hazardous Materials Safety Administration

JUL 3 0 2014

Jason Delto EHS&S Manager Canyon State Oil 2640 N 31<sup>st</sup>. St. Phoenix, AZ 85009

Reference No. 14-0033

Dear Mr. Delto:

This is in response to your February 19, 2014 e-mail requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the proper certification date for the pressure testing of portable tanks. Specifically, you ask if a 330 gallon portable tank without a current certification date for pressure testing under § 180.605(k) can be used to ship a non-hazardous material?

The answer is no. Under § 171.2(g), no person may represent or offer a packaging as meeting the requirements of the HMR unless the packaging is maintained, marked, and retested in accordance with the applicable requirements of the HMR when transported in commerce. These requirements are applicable whether or not the packaging is used for the transportation of a hazardous material. Therefore, if the UN standard or DOT specification packaging used at your facility is not maintained in accordance with the HMR, we recommend you securely cover any identifying marks or specification plates representing it as such.

I hope this satisfies your request.

Sincerely,

T. Glenn Foster

Chief, Regulatory Review and Reinvention Branch

Standards and Rulemaking Division

## Drakeford, Carolyn (PHMSA)

From:

INFOCNTR (PHMSA)

Sent:

Wednesday, February 19, 2014 2:06 PM

To: Subject: Drakeford, Carolyn (PHMSA)

Attachments:

FW: Poly Tote Letter of interpretation

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Andrews 3180.605(K) Portable Tanks 14-0033

Hi Carolyn,

This caller requested we submit this e-mail as a formal letter of interpretation.

Thanks, Victoria

From: Jason Delto [mailto:DeltoJ@scfuels.com] Sent: Wednesday, February 19, 2014 12:22 PM

To: INFOCNTR (PHMSA)

Subject: Poly Tote Letter of interpretation

Dear sirs,

Our company has recently received a violation in the State of Nevada for having 330 gallon poly totes without a proper certification date for pressure testing as required under CFR49 PT 180.605(k) which states:

- Inspection and test markings. (1) Each IM or UN portable tank must be durably and legibly marked, in English, with the date (month and year) of the last pressure test, the identification markings of the approval agency witnessing the test, when required, and the date of the last visual inspection. The marking must be placed on or near the metal identification plate, in letters and numerals of not less than 3 mm (0.118 inches) high when on the metal identification plate, and 12 mm (0.47 inches) high when on the portable tank.

We do not haul any product of a hazardous nature in these vessels. (please see included Pictures.)

Therefore, we are looking for a "Letter Of Interpretation" that will notify the local state agencies of the exception for this and other regulations they believe might apply, and don't as a result of the lack of HAZMAT product being hauled.

Please let me know if you have any questions that may help with our request.

Thank you,

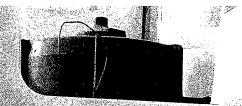
Jason Delto

EHS&S Manager - Southwest Region

Canyon State Oil – SC Fuels

2640 N. 31<sup>st</sup>. Ave Phoenix AZ 85009 602.269.7981 Office 602.689.4635 Cell





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